

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Nicole Hanlon Clock

v.

Civil No. 09-cv-379-JD

United States of America

PROCEDURAL ORDER

Nicole Hanlon Clock ("Clock") filed a pro se petition, pursuant to 28 U.S.C. § 2255, to set aside her conviction and sentence. She asserts that her criminal defense attorney, Assistant Federal Public Defender Jessica Brown, provided ineffective assistance of counsel. The government asked Clock to execute a waiver of her attorney-client privilege, which she did. Notwithstanding the signed and notarized waiver, Attorney Brown declined to respond to questions regarding the ineffective assistance claim absent a court order that she do so.

The court ordered Attorney Brown to file an affidavit responding to the allegations in Clock's § 2255 petition, including the attached statement of supporting facts. Attorney Brown complied with the order, and filed her affidavit March 29, 2010.

The government shall file a response to the petition based on the record, including the affidavit of Attorney Brown and the record in the underlying criminal case, United States v. Hanlon,

07-cr-245-JD. After the answer has been filed, the court will determine whether an evidentiary hearing, under Rule 8 of the Rules Governing § 2255 Proceedings for the United States District Courts, is necessary.

Conclusion

The government shall file an answer within sixty (60) days of the date of this order, which answer shall provide a detailed response, with appropriate references to the record when necessary, to each claim asserted by the movant.

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge

May 18, 2010

cc: Nicole Hanlon Clock, pro se
Aixa Maldonado-Quinones, Esquire